



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: April 13, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Robert Price, Assistant Planner

Subject: **Meridian Land Services, Inc. (applicant) and North View Homes & Development, Inc. (owner)** – Review for acceptance and consideration of Final Approval for a minor subdivision of one lot into four lots. The parcel is located at 190 Baboosic Lake Road in the R-3 (Residential) District. Tax Map 5B, Lot 045.

Background

Map 5B / Lot 45 is located at 190 Baboosic Lake Road, across from Mitchell Street. The property is located in the R (Residential) District (R-3 by soils), is approximately 9 acres in size and contains an existing residence. It is abutted entirely by residential uses. It has frontage on Baboosic Lake Road to the east and Old Blood Road (Class VI) to the west. The applicant intends to subdivide the property into four lots, each to be serviced by municipal water and private septic.

The property does have some historic relevance, although it is important to note that it is not currently listed on either the National or State Register of Historic Places. The existing home, referred to as the Samuel Barron House, was originally constructed in 1771.

At the February 24, 2016 Zoning Board of Adjustment meeting, the applicant was granted two variances under Section 1.03 (A) (25) of the Zoning Ordinance to permit a four-lot subdivision with two of the lots having frontage on a Class VI road.

The original iteration of this plan sought access to the two lots fronting Old Blood Road via Marty Drive, however the version before you proposes to access these two lots by way of Baboosic Lake Road across from Bean Road. The applicant has been proactive in seeking comment from the abutters, several of whom voiced strong opposition to having the access from Marty Drive at the ZBA meeting in February.

The Fire Department has requested that the portion of Old Blood Road stretching from Marty Drive to Baboosic Lake Road be renamed. The rationale behind this request is that the developed section of Old Blood Road, which runs from Wilson Hill Road to Madeline Bennett Lane, no longer connects to this portion. As such, confusion could result in the event emergency or other services are needed. A change in road name is also being driven by E-911 addressing requirements. It is not the burden of the applicant to bring such a request to the Town Council; rather the Fire Department would be responsible. Further, a change in road name can only be authorized by vote of the Council, not the Planning Board.

Lastly, it should be noted that if the subdivision is approved, the applicant will have to return to the ZBA to request authorization for the issuance of building permits on proposed lots 45-2 and 45-3,

in accordance with RSA 674:41 (II), as these lots are fronting a Class VI road. This would be handled as an Appeal of Administrative Decision and has been noted as a condition of approval.

Completeness

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers

Although none have been requested, staff recommends a sidewalk waiver be submitted **in writing** per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination under Section 4.07 that it is not necessary.

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:36:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Recommendation

Based on the information available to date, **staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits (NHDES Subdivision, NHDES Wetlands, and any others as may be applicable), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The plan's drainage shall be peer reviewed if the Board determines it applicable. If the Board does not determine peer review applicable, then no peer review shall be necessary.
6. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
7. The applicant shall address the following comments from the Building Department:
 - a. Add notes to indicate all currently-enforced fire safety, building and electrical codes will be utilized where any modification to the existing structure takes place;

8. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
9. The applicant shall address the following comments from Merrimack Village District, as applicable:
 - a. The water line running along Old Blood Road shall be private and some type of ownership/maintenance agreement shall be written;
 - b. Merrimack Village District shall have access to, and permitted use of individual shut offs, to be installed, within the "utility" easement;
10. The applicant shall address any forthcoming comments from the Police Department:
 - a. Access for Lots 45-2 & 45-3 is off Old Blood Road and notes as a "driveway", but there does not appear to be a plan for access to Lot 45-1.
11. The applicant shall address the following comments from the Public Works Department:
 - a. Consideration should be given to the need for a sign indicating "Not a Thru Road" to avoid confusion, particularly from those on Bean Road approaching Baboosic Lake Road (Note: Since Old Blood Road is a Class VI road, it cannot be marked "Private Drive");
 - b. The first 20 feet of the driveway apron where it meets Baboosic Lake Road should be paved.
12. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
13. The applicant shall address the following Planning Staff Technical Comments:
 - a. The address listed under Map 5B, Lot 48 should be "7 Marty Drive" instead of "9 Marty Drive";
 - b. Note 11 regarding the filing of a Stormwater Management Plan mentions Map 4B, Lots 153 and 153-2. Please replace these with the appropriate Map & Lot numbers.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
4. The Fire Department assigns addresses as follows:

- a. Tax Map 5B, Lot 45 shall remain 190 Baboosic Lake Road;
 - b. Tax Map 5B, Lot 45-1 shall be 188 Baboosic Lake Road.
5. In accordance with RSA 674:41 (II), the applicant is required to request authorization of building permits for proposed lots 45-2 & 45-3 from the Zoning Board of Adjustment prior to starting construction on these lots.
6. The Building Department adds the following:
 - a. Most recently adopted building, fire safety and electrical code requirements will be requested with building permit applications. All conditions will be noted with issuance of building permits.

Cc: Planning Board File
Correspondence

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Assessing Department Staff
Building Department Staff
John Manuele, Merrimack Fire Department
Lori Barrett, Highway Division
Dave Fredrickson, Merrimack Village District
Mark Doyle, Police Department
Kyle Fox, Public Works Department

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